IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5112 of 2005

Between:

M/s.Gopalakrishna Talkies, Eluru, West Godavari District,

represented by its Licensee & Managing Partner I.Navaraj

..... PETITIONER

AND

1 The Joint Collector & Licensing Authority (Cinemas)

West Godavari District at Eluru.
2 The Station House Officer, I-Town P.S., Eluru,

West Godavari District.
3 The Mandal Revenue Officer, Eluru Mandal, Eluru,

West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the respondents herein in seizing the cabin room and closing the petitioner theatre, as illegal, null void and arbitrary, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.DURGA PRASAD

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following:

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.NO.5112 OF 2005

ORAL ORDER:

Heard both sides.

2. The petitioner seeks a declaration that the action of the respondents in seizing the cabin room and closing the petitioner-theatre as illegal, arbitrary and null and void.

3. From the affidavit filed in support of the writ petition, it appears that on certain charges, the entire material and the cabin of the petitioner-theatre were seized by the second and third respondents and kept the entire material in the custody of the second respondent and a case in Crime No.23 of 2005 had been registered against the petitioner.

4. It is the contention of the learned counsel appearing for the petitioner

that if there are any complaints against the petitioner, the respondents can seize the material under A.P. Cenema Regulation Act, 1970, but the petitioner-theatre as such cannot be seized.

5. In the present case, it is not only the material but also the entire cabin from where the film would normally be projected to screen was seized.

6. In my considered view, the respondents ought not have resorted to this kind of action. Only such material, which is incriminating and necessary for the respondents to prove the charges levelled against the petitioner in the criminal proceedings or for any further investigation, can be seized but not the cabin of the theatre, lest, the public would be deprived of having access to the theatre as a whole to have entertainment in seeing the films.

7. For the foregoing reasons and in the facts and circumstances of the case, suffice it to dispose of the present writ petition with a direction to the second and third respondents to remove the seal affixed to the cabin of the petitioner-theatre as well as the seal affixed to the petitioner-theatre and permit the petitioner to continue screening of films, as per law.

8. It is made clear that such of the material, which is incriminating, alone can be kept in the custody of either the second respondent, or produced before the concerned Criminal Court as and when required, as per law.

9. It is further made clear that it is always open for the respondents to inspect the petitioner-theatre and, if it is found that any illegal screening of films is made in the theatre or the theatre is being misused in any other manner, the respondents are at liberty to take appropriate action in accordance with law.

10. Accordingly, the writ petition is disposed of, at the stage of admission. However, there shall be no order as to costs.

D.S.R.VARMA, J

14TH MARCH, 2005

ISN/KRK

ASSISTANT REGISTRAR

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SECTION OFFICER

To

1 The Joint Collector & Licensing Authority (Cinemas)

West Godavari District at Eluru.
2 The Station House Officer, I-Town P.S., Eluru,

West Godavari District.
3 The Mandal Revenue Officer, Eluru Mandal, Eluru,

West Godavari District.

4. Two CCs to G.P. for Home, High Court buildings, Hyderabad (OUT).

5. Two CD copies

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

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W.P.NO.5112 OF 2005

14TH MARCH 2005